HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 2838 of 2007

PETITIONERS : 1. Ku. Margret Tirkey, Aged about 43 years, Daughter of Late Johan Tirkey, Head Mistress, St. Joseph's Primary School Darridih, P.O. Balrampur, District Surguja, Ambikapur (C.G.)

2. Ku. Virginia Kujur, Aged about 62 years, Daughter of Late Joseph Kujur, Assistant Teacher, St. Joseph's Primary School Darridih, P.O. Balrampur, District Surguja, Ambikapur (C.G.)

3. Ku. Mary Lakra, Aged about 30 years, Daughter of Shri Robert Lakra, Assistant Teacher, St. Joseph's Primary School Darridih, P.O. Balrampur, District Surguja, Ambikapur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through Secretary, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh).

2. Commissioner, Tribal Welfare Department, District Surguja, Ambikapur (Chhattisgarh)

3. Catholic Sansthan Surguja, Uttar Purb Parikshetra, Bishop's House, Ambikapur through Nirdeshak, Bishop's House, Ambikapur (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Anupam Dubey, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State/respondents 1 & 2.

ORDER

(Passed on 8th day of May, 2007)

1. The question of law involved in this petition is whether the teachers working in government aided private schools are entitled to the benefit of the recommendation of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha

Anya Karmchariyon Ke Vetno Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

2. The identical question of law was considered by this Court in batch of matters i.e. Smt. A.Lall Vs. State of Chhattisgarh & Others (W.P. No. 4108 of 2005) with other connected matters, and the same was disposed of by judgment and order dated 6.2.2007. It was held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay scales w.e.f 1.1.1996 as prescribed under the Pay Rules, 1998. This Court had granted certain directions further for the purpose of disbursement of arrears.

3. Admittedly and jointly, it is submitted by the learned counsel for the parties that this matter is squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A.Lall Vs. State of Chhattisgarh & Others and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 Smt. A.Lall Vs. State of Chhattisgarh & Others and other connected matters (supra), the writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge

Amit